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Crl.O.P.No.13753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13753 of 2023

and

Crl.M.P.No.8443 of 2023

Rajalakshmi

... Petitioner

Vs

1. State Rep by:

The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur District.
(Cr.No.260/2023)

2. Deepan

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in concern Cr.No:260/2023 on the file of the first respondent police and quash the same.

For Petitioner : Mr.A.T.Anbu Kumar

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side) (for R1)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.260 of 2023 on the file of the first respondent, registered for the offences under Section 294(b) of IPC.

2. The case of the prosecution is that the petitioner was constructing a house adjacent to the defacto complainant house without following the rules and without leaving some space from the defacto complainant compound wall. The civil suit was pending before the learned District Munsif Court at Tiruvarur. Further, on 19.02.2023, when the work was going on, a hammer fallen down and broken the compound wall of the defacto complainant. When the defacto complainant questioned it, the petitioner along with his husband had scolded him with filthy language. Therefore, the defacto complainant foisted the complaint before the first respondent police. Based on the complaint of the defacto complainant, case in Crime No.260 of 2023 was registered by the first respondent as against the petitioner and the first and third accused.



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3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.260 of 2023 for the offences under Section 294(b) of IPC, as against the petitioner. Hence he prayed to quash the same.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials placed on record.

5. To attract the offences under Section 294(b) of IPC, there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-

*"294. Obscene acts and songs —
Whoever, to the annoyance of others— (a) does
any obscene act in any public place, or (b)
sings, recites or utters any obscene song,
ballad or words, in or near any public place,
shall be punished with imprisonment of either*



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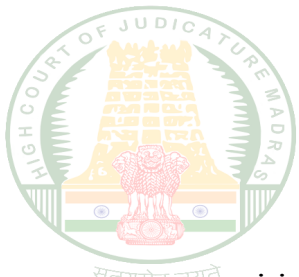
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description for a term which may extend to three months, or with fine, or with both."

6. Admittedly, there is absolutely no words uttered by the petitioner as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further, the charges do not show that on hearing the obscene words, which were allegedly uttered by the petitioner, the witnesses felt annoyed. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the petitioner annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuj Vs. Janakaraj & anr.**, which held as follows :-

"To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the



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petitioner.
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7. It is also relevant to extract the judgement reported in **(1992) SCC CrI. 426** in the case of ***Bajanlal v. State of Haryana***, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice,.....

.....



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7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

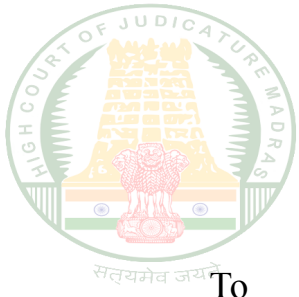
Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

8. In view of the above, the impugned FIR cannot be sustained and is liable to be quashed. Accordingly, the FIR in Cr.No.260 of 2023 pending on the file of the first respondent is hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

07.04.2025

Index: Yes/No
Neutral Citation: Yes/No
kv



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To
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1. The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur District.
2. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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